

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

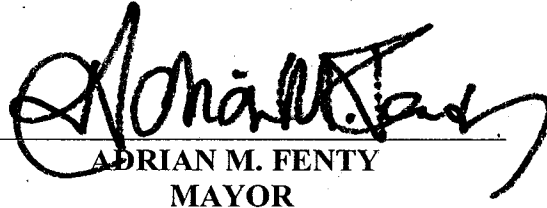
Mayor's Order 2007-228  
October 15, 2007


**SUBJECT:** Rescission of Mayor's Order 2007-157, dated July 5, 2007 on Citywide Email Retention Policy

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22 (2) (2006 Repl.), it is hereby **ORDERED** that:

1. Mayor's Order 2007-157, dated July 5, 2007, on Citywide Email Retention Policy is revoked.
2. **EFFECTIVE DATE**: This Order shall become effective immediately.

  
ADRIAN M. FENTY  
MAYOR

**ATTEST:**   
STEPHANIE D. SCOTT  
SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL**



**Legal Counsel Division**

**MEMORANDUM**

**TO: Valerie L. Scott  
Executive Assistant  
Office of the General Counsel to the Mayor**

**FROM: Wayne C. Witkowski  
Deputy Attorney General  
Legal Counsel Division**

**DATE: July 3, 2007**

**SUBJECT: Draft Mayor's Order Regarding Citywide Email Detention  
(AM-07-471)**

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This responds to your email of June 29, 2007 requesting a legal sufficiency review of the above-referenced order ("Order"). The Order delineates the District's policy regarding email retention for all subordinate and independent agencies of the District of Columbia whose email is stored centrally on the D.C. Government email servers. We have reviewed the Order on an expedited basis and, given the limited time for review, we find the Order to be legally sufficient. The Order has been edited and formatted by Clifton Posey, Administrative Issuance Assistant, Office of Documents and Administrative Issuances. In light of the limited time for review, we simply note a few areas of concern and several typographical errors.

The errors and areas of concern noted are as follows:

- The citation to the D.C. Official Code in the preamble references the 2004 Supplement but should reference the 2006 Supplement instead.
- The second paragraph of the background section contains a capital letter "d" in the word "during" that should be lower case.

- That same sentence contains an acronym for the term Emergency Liaison Officers and for the District Department of Transportation. Neither acronym is necessary as neither term is used again in the Order.
- The first sentence of the last paragraph of the background section should contain the term “to support” rather than the word “supporting.”
- The first sentence in the first paragraph of section IV B should not contain a period after the number IV.
- The first sentence of the last paragraph of section IV B should contain the word “for” before the term “three years.”
- The only exception to the strict general rule of purging emails after a specific and limited time contained in section IV C, is an exception for a “compelling business need.” While that term could be read to encompass the need to retain emails for document requests in litigation, pursuant to a court order, for Freedom of Information responses, and for compliance with other legal requirements regarding email retention, it might be clearer if the term were broadened to include compelling legal needs as well as business needs.
- The first sentence of section IV D should contain the word “the” after the word “to.”

Should you have any questions regarding this memorandum, please contact Carol Paskin Epstein, Assistant Attorney General, Legal Counsel Division, by email as she is conducting this expedited legal review from her vacation in New York, or contact me at 724-5524.

WCW/cpe